

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

Before the Honorable Paul J. Luckern
Administrative Law Judge

In the Matter of

CERTAIN RUBBER ANTIDEGRADANTS,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING SAME

Motion No. 1
533-033
Investigation No. 337-TA-533

**MOTION OF COMPLAINANT FLEXXSYS AMERICA L.P. TO TERMINATE
INVESTIGATION AS TO UNITED STATES PATENT NUMBER 6,140,538**

Pursuant to Commission Rules of Practice and Procedure 210.21(a) (19 C.F.R. § 210.21(a)), Complainant Flexsys America L.P. hereby moves to terminate this investigation as to the allegations in the Verified Complaint, as supplemented, with respect to United States Patent Number 6,140,538 ("the '538 Patent"). Complainant intends to submit the '538 Patent to the United States Patent and Trademark Office for reexamination.

Complainant submits that termination of the investigation as to the '538 Patent will simplify and streamline the factual and legal issues in this investigation without causing any prejudice to the remaining respondents. Further, termination of this investigation as to the '538 Patent is in the interest of the public and administrative economy.

Given the nature and timing of this Motion, Complainant requests that the Administrative Law Judge order a shortened period of time for Respondents to respond to this Motion, making such responses due three (3) days from today, or on Friday, September 30, 2005. Complainant further requests that such order suspend the time for responses to Respondents' September 19, 2005 motion for summary determination of inequitable conduct in the prosecution of the '538

Patent until a date to be determined by the Administrative Law Judge after the decision on this motion to terminate is entered, which could render Respondents' summary determination motion on the '538 Patent moot.

Complainant has consulted with the Commission Investigative Staff regarding this Motion. The Commission Investigative Staff has stated that Staff consents to this Motion and to the requests for shortened response time and suspension of the response to Respondents' summary determination motion on the '538 Patent. Complainant contacted Respondents regarding the Motion. Sinorgchem Co., Shandong opposes the Motion, and Korea Kumho Petrochemical Co., Ltd. and Sovereign Chemical Company to date have taken no position on the motion.

Accordingly, Complainant respectfully requests that the Administrative Law Judge issue an initial determination terminating this investigation as to the allegations in the Verified Complaint, as supplemented, with respect to the '538 Patent on the basis of Complainant's withdrawal of these allegations, and order such other and appropriate relief as requested herein.

Dated: September 27, 2005

Respectfully submitted,



Gregory C. Dorris
Charles H. Carpenter
PEPPER HAMILTON LLP
Hamilton Square
600 Fourteenth Street, N.W.
Washington, DC 20005

Eric C. Cohen
Charles R. Krikorian
KATTEN MUCHIN ROSENMAN LLP
525 West Monroe
Chicago, Illinois 60661-3693

CERTIFICATE OF SERVICE

I hereby certify that a copy of the attached was served as indicated to the parties listed below this 27th day of September 2005:

VIA Hand Delivery (two copies)

The Honorable Paul J. Luckern
United States International Trade Commission
500 E Street, SW, Room 317-A
Washington, DC 20436

VIA Email & Hand Delivery

Juan S. Cockburn, Esq.
United States International Trade Commission
500 E Street, SW, Room 401-Q
Washington, DC 20436

VIA Email & Hand Delivery

Paul J. Zegger, Esq.
Zhiqiang Zhao, Esq.
Arnold & Porter LLP
555 12th Street, N.W.
Washington, DC 20004

Counsel for Respondent Sinogchem Co.

VIA Email

Shanlon Wu, Esq.
King & Wood PRC Lawyers
31st Floor, Tower A, Jianwei SOHO,
39 Dongsanhuan Zhonglu
Chaoyang District, Beijing 100022
People's Republic of China

Counsel for Respondent Sinogchem Co.

VIA Email & Hand Delivery

Marcia H. Sundeen, Esq.
Suite 400
1700 Pennsylvania Avenue, N.W.
Washington, DC 20006

Counsel for Respondent Sinogchem Co.

VIA Email & Hand Delivery

V. James Adduci II, Esq.
Barbara A. Murphy, Esq.
Maureen F. Browne, Esq.
Michael L. Doane, Esq.
William C. Sjoberg, Esq.
A. Alex Lasher, Esq.
Tali Leah Alban, Esq.
Adduci, Mastriani & Schaumberg, L.L.P.
1200 Seventeenth Street, N.W., Fifth Floor
Washington, DC 20036

Counsel for Respondent Korea Kumho
Petrochemical Co., Ltd.

VIA Email & Hand Delivery

James K. Kearney, Esq.
Womble Carlyle Sandridge & Rice LLP
1401 I Street, N.W., 7th Floor
Washington, DC 20005

Counsel for Sovereign Chemical Company

VIA Email & Overnight Delivery

Nanda K. Alapati, Esq.
Womble Carlyle Sandridge & Rice LLP
8065 Leesburg Pike, 4th Floor
Tysons Corner, VA 22182-2738

Counsel for Sovereign Chemical Company

VIA Email & Overnight Delivery

Deborah A. Coleman, Esq.
Hahn Loeser & Parks LLP
3300 BP Tower
200 Public Square
Cleveland, OH 44114

Counsel for Sovereign Chemical Company

VIA Email & Hand Delivery

Manni Li, Esq.
Venable LLP
575 7th Street, NW
Washington, DC 20004

Counsel for Respondent Sinogchem Co.

VIA Email & Overnight Delivery

Scott M. Oldham, Esq.
John J. Cunniff, Esq.
Hahn Loeser & Parks LLP
One GOJO Plaza, Suite 300
501 S. Main Street
Akron, OH 44311-1076

Counsel for Sovereign Chemical Company

VIA Email & Overnight Delivery

Robert Badal, Esq.
Edward Slizewski, Esq.
Heller Ehrman LLP
601 South Figueroa Street, 40th Floor
Los Angeles, CA 90017

Counsel for Respondent Korea Kumho
Petrochemical Co., Ltd.

VIA Email & Overnight Delivery

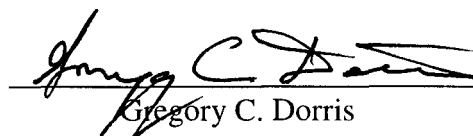
Alan Blankenheimer, Esq.
Heller Ehrman LLP
4350 La Jolla Village Drive
7th Floor
San Diego, CA 92122-1246

Counsel for Respondent Korea Kumho
Petrochemical Co., Ltd.

VIA Email & Overnight Delivery

Guy Chambers, Esq.
Maureen Sheehy, Esq.
Townsend and Townsend and Crew
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111

Counsel for Respondent Korea Kumho
Petrochemical Co., Ltd.



Gregory C. Dorris